

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re: : **Chapter 13**
: **DANIELLE SIMMONS** :
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: :
Debtor : **Bankruptcy No. 15-14777 MDC**

AND NOW, debtor, and William C. Miller, Esquire, chapter 13 standing trustee ("standing trustee"), agree to the following terms and conditions to resolve outstanding issues with respect to debtor's Motion to Allow Settlement of Personal Injury Lawsuit and Allowance of Fees ("Motion") in the above-referenced matter:

1. Debtor filed the Motion on September 21, 2018, and a hearing was held on October 16, 2018, with an order to be submitted. A proposed Schedule of Distribution was made part of the Motion.
2. On March 9 and 16, 2020, debtor's attorney filed a fee application and 3 supplemental fee applications, one of which was withdrawn on April 5, 2020, as being duplicative.
3. In accordance with the court's order dated April 23, 2020, debtor's attorney provided additional information regarding her supplemental fee applications on May 8, 2020.
4. On June 22, 2020, the court denied one of the supplemental fee applications, but that denial order was vacated on July 6, 2020.
5. As a result of the multiple orders, debtor's bankruptcy attorney was awarded a total of \$7,450 (from the total plan amount of \$9,459.70), but the standing trustee has disbursed only \$4,773 to bankruptcy counsel, leaving a \$2,677 shortfall. That shortfall has been disbursed to unsecured creditors.
6. Debtor made her last plan payment on December 1, 2020. In reviewing the case, the standing trustee discovered that no order had ever been entered to permit settlement of the personal injury case, as had been contemplated in October, 2018.
7. To resolve the Motion, the standing trustee filed a praecipe to relist the Motion on May 19, 2021. Hearing on the Motion has been continued to July 22, 2021.
8. At this point, the Schedule of Distribution has been effectuated. Debtor received a total of \$31,514.26. This is less than the amount shown on the Schedule because debtor's bankruptcy attorney received \$3,000 of debtor's proceeds as a result of her assistance to debtor in connection with the settlement.
9. As debtor's bankruptcy counsel was approved by the court for a total of \$7,450 in fees, and due to the confusion with the fee applications, received only \$4,773 from the standing trustee (with the balance of funds going to creditors), debtor's attorney has agreed to accept the payments made thus far as is accordance with the plan.

10. The settlement funds shall be distributed as follows:

Expenses:

Legal Expenses:	\$9,191.09
Medical Expenses:	\$7,000.00
Rawlings Lien	\$6,801.00
Department of Human Services:	\$ 134.46
Covered Bridge Capital:	\$5,422.59
Total	\$28,549.44

Attorney Fees:

Aversa & Linn	\$26,936.30
Georgette Miller	\$3,000.00
Total	\$29,936.30

Danielle Simmons **\$31,514.26**

11. This stipulation will serve as an amendment to the plan and approval of the personal injury settlement.

WHEREFORE, the parties have executed this Stipulation as of August 11, 2021 and request that it be made an order of this Court.

/s/ LeeAne O. Huggins

LeeAne O. Huggins, Esquire, for
William C. Miller, Esquire

/s/ Michelle Lee

Michelle Lee, Esquire
Counsel for debtor

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

The foregoing Stipulation is hereby APPROVED as an Order of this Court.



Magdeline D. Coleman
Chief U.S. Bankruptcy Judge

August 12, 2021